



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,531	11/27/2001	Tatsuji Nagaoka	9683/94	2033

7590 11/01/2006

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER

O'STEEN, DAVID R

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,531

Applicant(s)

NAGAOKA ET AL.

Examiner

David R. O'Steen

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Note to Applicant***

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

***Response to Arguments***

2. Applicant's arguments with respect to claims 21-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (US 6,941,154) in view of Handelman (US 5,539,450).

As regards Claims 21 and 34, Ritter discloses a method and system of communicating data to broadcast a viewer participation event (such as being able to order a product being presented in a commercial, abstract), comprising: receiving an event broadcast signal which is being broadcasted by a broadcast station and is receivable via a first communication channel by receivers of participants (such as by a television receiving a broadcast signal, fig. 1.7 and col. 2, lines 51-59); substantially

Art Unit: 2623

simultaneously with the event broadcast signal being broadcasted by the broadcast station (certain messages such as commercials are sent at the same time over a mobile communications network, fig. 1.8, and col. 2, lines 62-65), transmitting at least a part of the received event broadcast signal via a second communication channel to mobile terminals of the participants (such as to a mobile phone, col. 2, lines 62-65); receiving a participating signal via the second communication channel from a mobile terminal of at least one participant; and sending the broadcast station the participating signal (the mobile terminal, fig. 1.9, can send back through the mobile communications network, fig. 1.8, a short message which then gets passed off to the product/information supplier, fig. 1.10, cols. 3 and 4, lines 49-67 and 1-17), but fails to disclose that this will be reflected in the event broadcast signal being broadcasted by the broadcast station as well as a first transmitter operational under the control of the first communication interface to send the broadcast station the participating signal. Handelman discloses that this will be reflected in the event broadcast signal being broadcasted by the broadcast station (col. 10, lines 41-48) as well as a first transmitter operational under the control of the first communication interface to send the broadcast station the participating signal (col. 6, lines 26-30 and 60-62).

At the time of the invention it would have been obvious to one skilled in the art to combine the broadcast updating of Handelman, an analogous art, with the participation event communication system of Ritter so that the user can be alerted to changes in the participation event over the broadcast network.

As regards Claims 22 and 35, Ritter further discloses that transmitting at least part of the received event broadcast signal comprises converting the at least part of the received event broadcast signal for transmission via the second communication channel (the messages are converted from regular broadcast television signals to messages that can be carried over a mobile communication network such as GSM, cols. 2 and 3, lines 57-65 and 1-6).

As regards Claim 23, Ritter further discloses that the event broadcast signal being broadcast by the broadcast station is a pre-recorded signal (such as a film, col. 2, lines 51-54).

As regards Claims 24 and 36, Ritter further discloses receiving an event broadcast signal comprises receiving a event broadcast signal via the first communication channel (such as receiving a television signal with a television tuner, col. 3, lines 29-32).

As regards Claims 25 and 37, Handelman discloses receiving an event broadcast signal via a dedicated communication line (such as a cable TV line, col. 6, lines 26-30).

At the time of the invention it would have been obvious to one skilled in the art to combine the dedicated communications line as taught by Handelman, an analogous art, with the method and system of Ritter because many people receive information and entertainment through dedicated lines such as cable.

As regards Claim 26, Ritter discloses receiving from the broadcast station an additional signal designating a particular participant and sending the additional signal

Art Unit: 2623

via the second communication channel to the designated participant (such as by allowing point-to-point marketing and direct addressing of messages to users, col. 4, lines 18-23).

As regards Claim 27, Ritter discloses that the application data comprises an application data for prompting the designated participant to send the participating signal (the user is able to use his identification and profile to opt in to participating in direct marketing, col. 4, lines 18-23).

As regards Claim 28, Ritter discloses sending, via a second communication channel to mobile terminals of potential participants who have responded the event broadcast signal received by the receivers thereof, an enquiry signal asking whether the potential participants wish to participate in the viewer participation event (for some events like trading, mobile terminals opt into buy or sell situation where the user is further prompted whether he wants to go further into the process, col. 4, lines 42-51).

As regards Claim 29, Handelman discloses that receiving a participating signal comprises accepting a participating signal only within a limited time frame of the view participation event (bids are only taken with the time limit, fig. 34, and col. 26, lines 13-15).

At the time of invention it would have been obvious to one skilled in the art to combine the time limits of Handelman, an analogous art, with the system of Ritter because auction bids are traditionally only taken for a limited amount of time.

As regards Claim 30, Handelman discloses that the viewer participation event is a viewer participation auction, and the participating signal comprises a bid by the at

least one participant (col. 9, lines 41-48) and an identification thereof (the system keeps track of subscriber inputs for purposes of awarding winnings or handling losses, col. 8, lines 1-28).

At the time of invention it would have been obvious to one skilled in the art to combine the auction of Handelman, an analogous art, with the system of Ritter because auctions are enjoyed by a variety of people.

As regards Claim 31, Handelman discloses storing bids from participants and subsequent to the limited time frame, sending a winner notification signal to a participant who made the highest bid (in an auction, it is customary for the highest bidder, in a given time frame, to be declared a winner, and have the results posted, col. 9, lines 41-51).

At the time of invention it would have been obvious to one skilled in the art to combine the auction notification of Handelman, an analogous art, with the system of Ritter because auction winners need to be alerted.

As regards Claim 32, Ritter further discloses subsequent to sending a winner notification signal, sending an inquiry signal to ask the winner about a payment method; receiving from the winner a response signal indicative of an intended payment method; and sending the response signal to the broadcast station for settlement of the highest bid (col. 5, lines 6-65).

As regards Claim 33, Handelman further discloses that if the intended payment method is a payment by credit card, verifying the credit card (col. 10, lines 5-10).

At the time of invention it would have been obvious to one skilled in the art to combine the credit card verification of Handelman, an analogous art, with the system of Ritter so that fraudulent charges can be eliminated.

As regards Claim 38, Ritter discloses an event table that stores attributes of at least one viewer participation event (such as keeping track of user order messages, fig. 1.14, col.4, lines 18-20).

As regards Claim 39, Ritter discloses a participant table that stores identifications of the participants for each viewer participation event (such as a subscriber database, fig. 1.11, col. 3, lines 49-64).

As regards Claim 40, Ritter discloses a participating signal table that stores contents of participating signals for each viewer participation event, in relation to identifications of participants who have sent the participating signals (the server handles incoming user order messages and correlates those messages to user attributes, fig. 1.13 and col. 3, lines 49-64).

As regards Claim 41, Ritter discloses a customer table that stores identifications of participants and their attributes (such as user attribute data held in a user database, fig. 1.11, and col. 3, lines 49-64).

As regards Claim 42, Ritter discloses that the second communication channel comprises a mobile communication network (fig. 1.8, and col. 2, lines 62-65).

As regards Claim 43, Ritter discloses that a mobile terminal is a wireless telephone (fig. 1.9, cols. 2 and 3, lines 66-67 and 1-6).



***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**